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Assistance Packages Fact Sheet

I. Government Programs

CUSTOMS

Customs has developed an aggressive training and advisory assistance package for IPR enforcement in China. To support their efforts in China, the Asian Development Bank has recently granted Customs \$500,000 in aid.

The first phase of their proposal is to send four training/advisory teams to Guangzhou, Beijing and Shanghai from April-June 1995 to carry out preliminary training for Customs. The teams will, among other activities:

- train Chinese Customs on how to identify IPR infringing merchandise through physical exams, verification of documents and laboratory testing;
- assist Chinese Customs in designing and building a central recordation system for protection of copyright and trademark rights;
- advise and assist Chinese Customs on investigative techniques to identify suspect factories and warehouses;
- advise and assist on seizure and forfeiture techniques and guidelines;
- provide input on China's new Customs regulations due out in July;
- establish contacts for future Customs-to-Customs cooperation.

Customs proposes a second phase of "on the job" training from August-September. During this phase, Customs would work with Chinese Customs out in the field in identifying infringing products at the border, and assisting or participating in investigations.

FEDERAL BUREAU OF INVESTIGATION

The Federal Bureau of Investigation, in cooperation with the State Council's IPR Working Conference, the Ministry of Public Security and the Supreme People's Procuratorate, have entered into meaningful discussions on several areas of mutual interest.

These discussions have centered largely on specialized training in criminal investigations in order to provide enhancements to criminal investigations in furtherance of the IPR enforcement.

The FBI has offered to sponsor these training programs in furtherance of its role in providing leadership, technical expertise and management experience to foreign law enforcement agencies.

The FBI will send a representative in early April to hold detailed discussions with PRC counterparts in furtherance of identifying specific requirements and developing long term strategic goals of mutual assistance.

DEPARTMENT OF JUSTICE

The Department of Justice is prepared to coordinate training for Chinese officials in the prosecution of criminal copyright cases, familiarization of Chinese justice ministry and other officials with U.S. court procedures, and on such standard matters as application of injunctive and provisional relief. The Department of Justice has initiated discussions with their Chinese counterparts on these issues.

DEPARTMENT OF COMMERCE

Since last year, the Commerce Department has been developing a commercial law program with the Chinese to provide training in various aspects of trade and economic law. The training seminars and legal exchange programs have, and will continue to, take place in both China and the United States. Commerce proposes to expand its planned assistance and training in the area of intellectual property rights in light of the signing of the IPR agreement.

To implement this expansion, attorneys from Commerce's Office of General Counsel and the Patent and Trademark Office will travel to China soon to coordinate with the China's National Copyright Administration, State Administration for Industry and Commerce, Supreme People's Procuratorate, Ministry of Foreign Trade and Economic Cooperation, among others, to determine the types of training that would be most beneficial. The Department of Commerce, through its Patent and Trademark Office and the Office of General Counsel, would then offer detailed training programs in the copyright, trademark and patent areas.

II. Industry Programs

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

IIPA is coordinating assistance and training in China on behalf of all their members. IIPA's assistance is in addition to what many of the associations will provide directly. IIPA is prepared to commit over \$100,000 immediately as seed money to begin a series of seminars and training programs. They will be working directly with the Chinese to set up a schedule of seminars and training programs -- both in China and in the United States --

and determining the level of financial assistance necessary to fund these programs.

INTERNATIONAL FEDERATION OF PHONOGRAM INDUSTRIES

IFPI, with its three offices in China, intends to conduct seminars and training programs for Chinese officials and staff with respect to all aspects of the administration and enforcement of the copyright law and regulations and the Customs' law and regulations. They will also provide financial assistance to support the Chinese government efforts in these programs.

Key aspects of IFPI's training programs include:

- Copyright awareness campaigns with the Guangdong Provincial Government through direct contact with the general public and through newspapers and television during March and April;
- Several two to three day training courses for officials both in charge of copyright management and enforcement or administration of the copyright law and regulations. The first course will be in Beijing in April followed by two others between May and August in Guangdong and Shanghai.
- Copyright awareness campaigns in conjunction with two other provinces and/or the NCA in the second half of 1995.
- Provision of qualified overseas speakers to participate in their training courses and bearing the incurred costs.

BUSINESS SOFTWARE ALLIANCE

BSA intends to establish an office in China -- jointly with the Software Publisher's Association and others. Through that office, BSA is fully prepared to assist the National Copyright Administration and others in their efforts to raise awareness on copyright enforcement.

Specifically, BSA is prepared to commit immediately to:

- help Chinese Customs determine its needs for designing a computer software system to create a central recordation system for the protection of trademarks and copyrights.
- help Chinese Customs determine their necessary hardware and software needs in establishing the recordation system and finding ways to meet those needs. Other associations are also prepared to provide such assistance.
- participate and fund seminars on IPR enforcement in China.

SOFTWARE PUBLISHERS ASSOCIATION

SPA is planning to open office in China later this summer. They are prepared to provide similar assistance as the Business Software Alliance.

MOTION PICTURE ASSOCIATION

MPA is in the process of establishing a comprehensive training and assistance plan, which includes:

- sending a team of experts (ex-FBI agents) to China to provide anti-piracy, technical, investigative and legal training;
- participating in seminars -- both in China and the U.S.
- to train Chinese judges, prosecutors, and police officials in the detection of pirated audio-visual products and the conduct of copyright enforcement actions;
- assisting China's public relations campaigns on IPR;
- working with police and prosecutors to assist them in enforcement of criminal penalties against violators.